

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Lawrence)
E. Dowler,)
)
 Complainant,)
)
 v.) Case No. 14-1195-EL-CSS
)
 Cincinnati Bell Energy, LLC,)
)
 Respondent.)

ENTRY

The attorney examiner finds:

- (1) On July 7, 2014, Lawrence E. Dowler (Complainant) filed a complaint against Cincinnati Bell Energy, LLC (CBE) to dispute his electricity rates.
- (2) CBE filed an answer to the complaint on July 28, 2014. Identifying itself as a competitive retail electric supplier, CBE admits that it provided electric service to the Complainant. Through a third-party verification process, CBE alleges that the Complainant enrolled in a month-to-month, variable rate program with a first month's rate of 5.99 cents per kilowatt hour. Although the rate could change each month, CBE guaranteed savings compared to Duke Energy's Price to Compare rate for the first 12 months of service.

In its answer, CBE states that on March 17, 2014, the Complainant called CBE to cancel his account. CBE complied and informed the Complainant that it would take one to two billing cycles for the Complainant to transition to another electric service provider. As a final matter, CBE relates that it issued a refund of \$92 and a courtesy check of \$100 for customer satisfaction.

- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary

hearing. In accordance with Ohio Adm.Code 4901-1-26, any statement made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible in future proceedings in this case or be admissible to prove liability or invalidity of a claim. Nothing prohibits any party from initiating settlement negotiations prior to the scheduled settlement conference. An attorney examiner with the Commission's Legal Department will facilitate the settlement process.

- (4) Accordingly, a settlement conference shall be scheduled for October 21, 2014, at 10:00 a.m., in Room 1246, at the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. If a settlement is not reached at the conference, the attorney examiner may conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.
- (5) Pursuant to Ohio Adm.Code 4901-1-26(F), the representatives of the Respondent shall investigate the issues raised in the complaint prior to the settlement conference, and all parties participating in the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties participating in the settlement conference should have with them all documents relevant to this matter.
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public. Util. Comm.*, 5 Ohio St.2d 189, 214 N.E.2d 666 (1966).

It is, therefore,

ORDERED, That a settlement conference be held on October 21, 2014, at 10:00 a.m. in Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ L. Douglas Jennings

By: L. Douglas Jennings
Attorney Examiner

jrj/vrm

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in

Case No(s). 14-1195-EL-CSS

Summary: Attorney Examiner Entry scheduling October 21, 2014, settlement conference; electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio